

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

RAFAEL MONSERRATE CARO ADORNO
MARIA ESTHER CANCEL RODRIGUEZ
DEBTOR(S)

CASE NO. 23-02367-ESL
CHAPTER 13

TRUSTEE'S REPORT ON CONFIRMATION

1. The applicable commitment period (years) is: 5
2. The liquidation value of the estate is :\$ 0.00
3. The general unsecured pool is :\$ 0

AMENDED PLAN DATE: September 01, 2023

PLAN BASE: \$49,160.00

TRUSTEE'S REPORT ON CONFIRMATION DATED: 9/11/2023

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FAVORABLE

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UNFAVORABLE

1. [X] INSUFFICIENTLY FUNDED § 1325(b):

Plan is insufficiently funded to pay secured creditors and priority debt owed to Internal Revenue Service.

2. [X] FAILS DISPOSABLE INCOME TEST § 1325(b)(1)(B):

1) Per evidence of income for joint debtor she received additional income of \$1,500.00 in February and May 2023. Amend plan to devote part of said income. 2) Plan does not devote tax refunds in benefit of creditors. 3) Debtor(s) needs to file with the Court the Business Income and Expenses Sheet. Debtor is disclosing at line 8a of Schedule "I" (dkt 1) a net income of \$1,952.81. Said line requires that debtors "Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total monthly net income". Debtor has yet to attach said statement in the form of a Business an Expense sheet. 4) Joint debtor is a governmental employee that, per the announcement made by the Governor of Puerto Rico might be entitled to receive a special bonification. Joint debtor is asked to inform for the record if she received such bonus. If received or entitled to receive, provide evidence of such income and amend the plan to devote the bonus for the benefit of the estate. If debtors intends to use a portion, they shall seek court authorization prior to any use thereof.

3. [X] FAILS SECTION 1325(a)(9):

• State Tax Returns: 1) Evidence of filing the required tax return for the year 2019 has not been provided for debtor. Related to joint debtor she needs to provide evidence of filing for 2021 and 2022. 2) Debtor is asked to provide evidence of filing of 2019-2021 Form 1040 -PR. The forms submitted do not include evidence of their filing with the IRS. Thus, no evidence of filing has been provided. Also, provide evidence of filing for year 2022.

[X] OTHER:

1) Per ID provided debtor is also known as "Rafael Monserrate Caro", however, voluntary petition does not disclose said AKA. 2) Part 3.1 of the plan propose that debtor will make direct payments to Oriental Bank, however, no amount was disclosed. Does this payments is the auto loan of \$880.00 listed at line #17a of Schedule "J"? Also, debtors are asked to inform why they instructs Trustee to make payments of \$60.00 starting at month 60 of the plan. 3) Disclosure of compensation was filed empty, however, part 4.3 of the plan disclose \$1,000.00 as fees paid pre-petition and \$3,000.00 to be pay through the plan. 4) Secured creditor Performance objects to the confirmation of the Plan because the same does not provide for the full payment of Performance's Claim. Furthermore, the Plan fails to provide for the interest claimed by Performance in its Claim. Also, plan does not provide for Performance to receive equal monthly payments after confirmation. 5) Plan does not provide insurance for BPPR's collateral. Trustee hereby notes that per creditor claims maturity date is 04-13-2026. Also, insurance quote has not been provided.

NOTICE: This report anticipates Trustee's position as per 11 USC § 1302(b)(2) a copy of which has been served upon counsel for debtor(s). Copies are available to parties in interest at the Trustee's Office.

/s/ Miriam Salwen Acosta

Miriam Salwen Acosta

Atty: MILAGROS RIVERA RIVERA*

USDC # 208910

ALEJANDRO OLIVERAS RIVERA

Chapter 13 Trustee

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CMC - WG